

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 21

WEDNESDAY, 14 AUGUST 2013

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### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

### 2. Ministerial Statement — Disability Parking Permits

The Minister for Disability Services made a Ministerial Statement with respect to the provision of free disability parking (ACROD) permits.

### 3. Papers

The following Papers were laid on the Table by —

#### Leader of the House

*Regulations —*

Aboriginal Affairs Planning Authority Act 1972 (Aboriginal Affairs Planning Authority  
Amendment Regulations 2013 G.G. 6/08/2013)..... 516

#### Attorney General

*Regulations —*

State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Regulations  
2013 G.G. 6/08/2013)..... 517

### 4. Standing Committee on Environment and Public Affairs — Report No. 34 — Inquiry into the Sandalwood Industry in Western Australia — Request for access to documents from the Thirty-Eighth Parliament

Hon Simon O'Brien presented Report No. 34 of the Standing Committee on Environment and Public Affairs in relation to the *Inquiry into the Sandalwood Industry in Western Australia – Request for access to documents from the 38<sup>th</sup> Parliament*. (Tabled Paper 518).

Hon Simon O'Brien, pursuant to Standing Order 190 moved, without notice —

That the evidence received by the Standing Committee on Environment and Public Affairs during the Thirty-Eighth Parliament in relation to its *Inquiry into the Sandalwood Industry in Western Australia* be released to the Standing Committee for the purposes of its continuing inquiry into the same matter.

Question — put and passed.

## 5. Mangles Bay Marina

Motion No. 1 having been called, debate resumed on the motion of Hon Lynn MacLaren as follows —  
That the Council —

- (a) notes the mass opposition to the proposed Mangles Bay marina tourism precinct development as evidenced by the petition bearing more than 8,000 signatures; and
- (b) calls on the Barnett Government to honour the original 1964 agreement under which the land at Point Peron including the site of the proposed development was transferred by the Commonwealth to the State subject to the condition that its future use would be restricted to a reserve for recreation and/or park lands.

Question — put and negatived.

## 6. Carbon Tax

Motion No. 2 having been called, Hon Liz Behjat, pursuant to notice, moved —  
That the Council —

- (a) notes that the carbon tax imposed by the Gillard Labor Government has significant adverse implications for Western Australia because as the single biggest cause of electricity price increases it is, and will continue, to —
  - (i) push up the cost of living and the cost of doing business in Western Australia; and
  - (ii) reduce our international competitiveness and cost jobs; and
- (b) calls on the Gillard Government to scrap this job-destroying carbon tax immediately.

*Interruption pursuant to order.*

## 7. Questions Without Notice

Questions without notice were taken.

The Minister for Agriculture and Food representing the Minister for Forestry tabled documents in relation to native forest timber exports, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 519).

The Attorney General representing the Minister for Corrective Services tabled, and by leave, incorporated into Hansard, documents in relation to the direct operational costs per prisoner, per day, for 2011–2012, in response to a question without notice asked by Hon Alanna Clohesy. (Tabled Paper 520).

*Point of Order*

Hon Sue Ellery raised the following Point of Order —

I refer to two questions asked and answers provided during question time today, one is C477 and the other is C488. Question C477 was asked by Hon Adele Farina to the Minister for Mental Health representing the Minister for Environment about whether certain things in the environment portfolio were in the 2013 budget papers. Question C488 was asked by Hon Sally Talbot to the Attorney General. It referred to a matter in the budget in the Attorney General's direct portfolio. The answer to both of those questions is identical; that is —

Timing and implementation plans for budget measures are currently being determined between Ministers and agencies. When completed, the Government will make detailed announcements. It should also be noted that Members will have significant opportunity to seek this information during estimates hearings next week.

The Western Australian Parliament is a bicameral system of Parliament. We have two Chambers. Referring Legislative Council Members to the Legislative Assembly estimates process is not appropriate.

*President's Ruling*

The President ruled as follows —

The practice has built up in recent years, over the last four or five years at least, of submitting questions of which some notice has been given. This practice is for Members representing Ministers in the other place; and sometimes in their own portfolios. The practice has been for the Minister responsible for that answer to sign the answer and read out the answer, and the definitive record is the reading of that answer and how it is recorded in Hansard. Associated with that, a practice has also developed of providing a written copy to the opposition Member who asked the question. That is where there seems to be a discrepancy in this case. The Minister is responsible for the answer. If he or she has made some alteration to the answer that he or she has signed and read in the House and submitted to Hansard, perhaps he or she could ensure that the other copies are amended to the same extent. In this case it seems as though there has been a slight oversight that those other copies have not been amended when the Ministers have signed them off. I am sure that Ministers will take note of that and make sure that that is adhered to in the future.

The Attorney General representing the Minister for Police tabled documents in relation to raids by police on residential premises in Withers for the years 2008–2009, 2009–2010, 2010–2011, 2011–2012 and 2012–2013, in response to question on notice No. 147 asked by Hon Adele Farina. (Tabled Paper 521).

### **8. President's Ruling — Definition of Party**

The President ruled as follows —

Before the House commences to consider Order of the Day No. 16, *Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2013–14*, which will occur later in this day's sitting, I wish to make a ruling in relation to Standing Order 21, "*Time Limits on Speeches*".

Standing Order 21 provides the time limits for Members speaking to different categories of business being considered by the Council. In particular, these arrangements provide an unlimited time for Members who are party leaders to contribute to certain debates. In recent weeks several Members have raised with me the interpretation being applied by the Chair to the title of "party leader" for the purposes of this Standing Order. Members have specifically inquired whether the definition of "party" would be consistent with the relevant definitions in the *Electoral Act 1907* or whether the definition applied by the Salaries and Allowances Tribunal would be operable. I have considered the matter and, in particular, the purpose for these arrangements in relation to time limits and party leaders, which is to provide these Members with the capacity to express their views on a matter before the Council on behalf of not only their constituents, but also their respective parties. To this end, I consider that the leader of any registered political party, as defined by section 62C of the *Electoral Act 1907*, is a party leader for the purposes of Standing Order 21.

### **9. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

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#### **In Committee**

(Hon Adele Farina in the Chair)

#### **Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — How the Corruption and Crime Commission handles allegations and notifications of police misconduct**

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

Question — put and passed.

**Joint Standing Committee on the Corruption and Crime Commission — Report No. 3 — Acting Parliamentary Inspector’s report on a complaint by the Commissioner of Police against the CCC**

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

Question — put and passed.

The Deputy President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — *How the Corruption and Crime Commission handles allegations and notifications of police misconduct* and had noted same.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report No. 3 — *Acting Parliamentary Inspector’s report on a complaint by the Commissioner of Police against the CCC* and had noted same.

Report adopted.

**10. Order of Business**

Ordered — That Orders of the Day Nos 1, *Proposal No. 1/2013, Excision of land from Class A Reserve 33581 for the upgrade of Gilmore Avenue, Leda to a dual carriageway in the City of Kwinana — Disallowance*, 2, *Children’s Court (Fees) Amendment Regulations (No. 2) 2012 — Disallowance*, 3, *Civil Judgments Enforcement Amendment Regulations 2012 — Disallowance*, 4, *Coroners Amendment Regulations 2012 — Disallowance*, 5, *District Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance*, 6, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012 — Disallowance*, 7, *Magistrates Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance*, 8, *State Administrative Tribunal Amendment Regulations (No. 3) 2012 — Disallowance*, 9, *Supreme Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance*, 10, *City of Fremantle Plastic Bag Reduction Local Law 2012 — Disallowance*, 11, *Mindarie Regional Council Waste Facility Site Amendment Local Law 2013 — Disallowance*, 12, *Legal Profession Conduct Amendment Rules 2013 — Disallowance*, 13, *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013 — Disallowance*, 14, *Supreme Court Amendment Rules 2013 — Disallowance*, and 15, *Firearms Amendment Regulations 2013 — Disallowance*, be taken after Order of the Day No. 25, *Protection of the Identity of Journalists’ Informants*. (Leader of the House).

**11. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2013–2014**

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Mental Health representing the Treasurer as follows —

That pursuant to Standing Order 68(1), the Legislative Council take note of Tabled Paper 506A-E (2013–2014 Budget Statements), laid upon the Table of the House on Thursday, 8 August 2013.

Debate resumed.

Hon Darren West sought leave of the House to extend his speaking time.

Leave granted.

Debate resumed.

On the motion of the Leader of the House the debate was adjourned to the next sitting.

**12. Criminal Code Amendment Bill (No. 2) 2013**

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

*Interruption pursuant to order.*

**13. Members’ Statements**

Statements were taken.

**14. Adjournment**

The Council adjourned at 10.19pm until Thursday, 15 August 2013 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council